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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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CLERK OF COURT

UNITED STATES OF AMERICA

CASE NO. CR-1-02-054-2

v.

HONORABLE SUSAN J. DLOTT

TYREESE DORRAN PUGH

GOVERNMENT'S RESPONSE TO
MOTION FOR ADDITIONAL
DISCOVERY

* * * * *

Comes now the United States of America, by and through counsel, and for its response to defendant's Motion for Additional Discovery, states as follows:

1. Statements of all Co-Defendants. Rule 16 of the Federal Rules of Criminal Procedure does not require the pretrial disclosure of any evidence not specifically mentioned in the rule, such as co-conspirator's statements. See United States v. Presser, 844 F.2d 1275 (6th Cir. 1988). Walter M. Pugh, Jr., the defendant's father, is the co-defendant in this case. The defendant is not entitled to pretrial disclosure of the statements, if any, made by Walter M. Pugh, Jr. in this case.

2. Statements of all Witnesses. The government objects to the release of any witness statements at this time. Such statements, if any, are *Jencks Act* materials and will be disclosed at the appropriate time. See 18 U.S.C. §3500. Rule 16 of the Federal Rules of Criminal Procedure states that it does not authorize the pretrial disclosure of material exempted from pretrial discovery by the *Jencks Act*. See F.R.Cr.P. 16(a)(2).

3. Favorable Evidence to the Defendant. On July 2, 2002, the United States

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provided a copy of a newspaper article about the instant offense and advised defense counsel of a witness' statement regarding the identification from the article of the gunman whom she believed vaulted her teller counter during the instant alleged armed robbery. See a copy of letter attached hereto as Government Exhibit A. The United States is aware of its obligation under Brady v. Maryland, 373 U.S. 83 (1963) and will disclose any such evidence, if any, in sufficient time for the defendant's effective use at trial.

4. Photos and Videotapes. The United States provided to defense counsel and made available all photographs and videotapes during the discovery conferences held with defense counsel on June 24, 2002 and June 27, 2002.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney



WENDE C. CROSS (0061531)
Assistant United States Attorney
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
(513) 684-3711

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was mailed on this 10th day of July, 2002, to Edward J. Felson, 36 East Seventh Street, Suite 1650, Cincinnati, Ohio 45202.



WENDE C. CROSS (0061531)
Assistant United States Attorney



U.S. Department of Justice

COPY

United States Attorney
Southern District of Ohio

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July 2, 2002

Edward J. Felson
36 East 7th Street
Suite 1650
Cincinnati, Ohio 45202

RE: U.S.A. v. Tyreese D. Pugh
Criminal No. CR-1-02-054

Dear Ed:

Enclosed please find a copy of an article in the Hamilton Journal-News about the above-referenced case. It is my understanding that the article was printed a short time after the instant bank robbery.

For your information, one of the bank tellers reviewed the article and identified your client, Tyreese Pugh, as being in the bank during the robbery. She also stated that she believed that he was the individual who vaulted the counter and demanded the money.

I am also enclosing a copy of ATF Agent Gwen Gregory's report regarding her determination of the interstate nexus aspect of the Mossberg 12-gauge shotgun.

Very truly yours,

GREGORY G. LOCKHART
United States Attorney

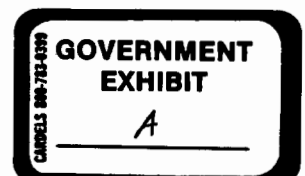
Wende C. Cross

WENDE C. CROSS
Assistant United States Attorney

WCC/me

Enclosure

cc: J. Robert Andrews for Walter Pugh



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ting

Authorities arrest two in local bank robbery

By Jen Roppel
jroppe1@coxohio.com
Journal-News

HAMILTON

A father-son duo accused of robbing a Hamilton bank at gunpoint April 24 are in police custody.

Walter M. Pugh Jr., 44, of 433 Knightsbridge Drive, and his son, 22-year-old Tyreese D. Pugh Sr., were arrested at 4 a.m. Friday in Cincinnati by the Hamilton County Sheriff's SWAT team, FBI agents and the Hamilton Police Department, said Hamilton Police Sgt. Tom Kilgour.

"They were arrested without incident," Kilgour said.

Kilgour said he is unsure if police recovered money taken during the aggravated robbery, which was Hamilton's second this year.

Walter and Tyreese Pugh are

charged with the robbery of First National Bank of Southwest Ohio at the intersection of Peck Boulevard and Williams Avenue.

At 2:20 p.m. April 24, two men, described as black males, entered the bank. One was armed with a handgun and the other a shotgun.

The pair fled the bank with an undisclosed amount of money in a four-door maroon Oldsmobile driven by a third man, also described as a black male, according to police.

Kilgour said he isn't sure if warrants have been issued for a third man.

"Through investigation we were able to identify the (Pughs)," he said. Kilgour said police and FBI are



Walter Pugh



Tyreese Pugh

looking into whether the Pughs are responsible for other holdups in the area.

Tyreese Pugh was out on parole for 52 days at the time of the hold-up. He served about 2 1/2 years in the Correctional Reception Center in Orient, Ohio, for several drug-related offenses.

He is facing felony aggravated robbery, theft and parole violation charges. His father, Walter Pugh, is charged with felony aggravated robbery and theft.

The men are scheduled to appear Friday in Hamilton Municipal Court. They are being held without bond at the Butler County jail.

Friends of Lane Library hold used book, music sale



Greg Lynch/Journal-News

Linda Fitzgerald, a volunteer from the Lane Library, organizes books recently at the Butler County Fairgrounds in preparation for the book sale this weekend.

By Carmen M. Henderson
Chenderson@coxohio.com
Journal-News

HAMILTON

Pat Moeller and other volunteers have spent the past few days unpacking boxes of books, then sorting and stacking them in time for this weekend's book sale.

The Hamilton-Fairfield Friends of the Lane Public Library will hold a used book sale from 9 a.m. to 5 p.m.

today and from noon to 4 p.m. Sunday at the Butler County Fairgrounds on Fair Avenue in Hamilton.

"These are books that the library no longer has in circulation," said Moeller, the book sale coordinator. "We have books from the library and books that were donated to us."

Prices range from 50 cents to \$1.50 on books, compact discs, tapes and videos. From 2 to 4 p.m. Sunday, people can buy a box for \$10 and fill

it with as many books as it can hold, Moeller said. Leftover books will be donated to Goodwill, Moeller said.

"The sale is geared toward everyone, especially home-schoolers, people who want to add to their collection of gardening or cookbooks or add to their home library," said Eugenia Beecher, head of public relations for the Lane Public Library System.

Proceeds from the event will go toward the library.

Kaup's campaign committee, to campaign finance reports to the Butler County Board of Election Commissioners.

"The letter is simply stating election committee supports candidate," Alvarez said, adding the letter is further misleading it says the Neighborhood Council "endorses" Kaup.

"The word endorsement has meaning, particularly during an election cycle," Alvarez said. "It connotes a process of fair selection from those candidates participating in a formal hearing or a review of information."

Kaup said the Neighborhood Council is a "political group" formed to support his campaign. "It's a loose-knit group of people backing me because of my ground in dealing with children and crime prevention said. "The council is working election."

George Brecht is listed on campaign finance report as treasurer of the council, but Kaup council doesn't have a president.

"There are no parliamentary procedures within the council," Kaup said. "It's the people who are back That's what the council is made of. They are my campaign committee." Kaup said his decision to campaign committee is a neighborhood protection council isn't misleading. "Mr. Warnock's campaign shows a picture of him shaking with State Rep. Gary Cates. So Kaup said. "They put out what I want in their literature. That's a free country."

Republicans Charlie Pater and Evans are also seeking the Republican nomination for the new judge's roll Goodman is unopposed in for the Democrat nomination May 7 Primary Election.

**INTERSTATE NEXUS RE:
MOSSBERG, MODEL 500A, WEAPON MADE FROM
A SHOTGUN BEARING SERIAL NUMBER L792549**

DESCRIPTION OF ACTIVITY:

Interstate Nexus Statement

SYNOPSIS:

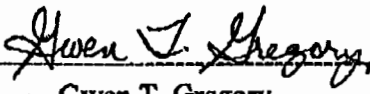
On June 27, 2002, Assistant United States Attorney (AUSA) Wende Cross provided ATF Special Agent Gwen Gregory a disc containing photographs of a Mossberg, model 500A, .12 gauge weapon made from a shotgun bearing serial number L792549 to determine interstate nexus.

NARRATIVE:

1. Agent Gregory has been employed with ATF since September 1989. Her primary investigative effort has been in the area of firearm investigations.
2. Agent Gregory has received instruction in both general and specific courses in the recognition and identification of firearms and their place of manufacture. This training included study at the Criminal Investigator School and ATF New Agent Training School at the Federal Law Enforcement Training Center in Glynco, Georgia; as well as the ATF Firearm Interstate Nexus School, which was held at ATF Headquarters in Washington, D.C. During the training in Washington, D.C., Agent Gregory personally examined the ATF Firearms Technology Branch's Reference Collection, which includes approximately 5,000 types of firearms.
3. Agent Gregory has received specific training in the area of determining the interstate commerce involvement of firearms and ammunition. Agent Gregory maintains a reference library for this purpose.
4. Agent Gregory is a military veteran having served active military duty with the United States Army between the dates of January 03, 1985 through December 18, 1987. Agent Gregory was assigned to Military Police Investigations and handled a variety of weapons through investigations as well as her military experiences.
5. On June 27, 2002, AUSA Wende Cross provided Agent Gregory a disc containing several photographs of a weapon made from a shotgun, to wit: Mossberg, model 500A, .12 gauge shotgun with an unknown barrel length and overall length bearing serial number L792549.

6. Based on the description of the firearm and research conducted, Agent Gregory was able to determine that the Mossberg weapon made from a shotgun was manufactured in Connecticut. The firearm would have traveled in interstate commerce to arrive in the State of Ohio. This determination is based solely on the description of the firearm. Agent Gregory will examine the firearm prior to trial for confirmation of this determination.

Attachment: Photographs (4)


Gwen T. Gregory
Special Agent, ATF
Cincinnati Field Office